

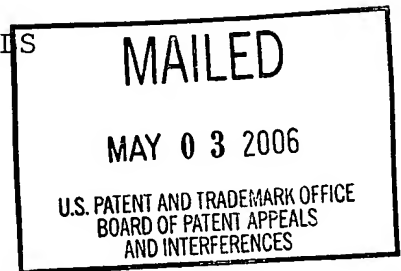
The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

**Ex parte** HARRY R. DAVIS

Application No. 10/057,629



ORDER RETURNING UNDOCKETED APPEAL TO THE EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on April 11, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

**EXAMINER'S ANSWER**

The examiner's answer issued by the examiner of record on August 30, 2005 is not present in the Image File Wrapper (IFW) application. The examiner's answer must be made a part of the Official application record, and is needed to process this appeal. Correction is required.

Application No. 10/057,629

**DECLARATION**

On July 14, 2004, appellant filed a declaration under 37 CFR § 1.131 of Harry R. Davis, Jr. Upon review of the application file, no further mention of this declaration has been noted. The examiner is required to officially consider the declaration, thereby advising appellant as to the status of said declaration.

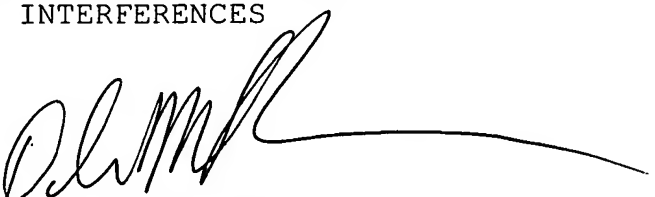
Accordingly, it is:

**ORDERED** that the application be returned to the Examiner:

- (1) to have the examiner's answer mailed August 30, 2005 made part of the Official record;
- (2) for written clarification as to the status of the declaration of July 14, 2004; and
- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
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DALE M. SHAW  
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Application No. 10/057,629

cc: SCHERING-PLOUGH CORP.  
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